

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – A.P. Secretariat Services – Deputy Secretaries to Government in common pool – Notional seniority in the cadre of Deputy Secretary to Government in respect of certain Deputy Secretaries to Government – Assigning Notional date of promotion as Deputy Secretary to Government on par with juniors – Orders – Issued.

GENERAL ADMINISTRATION (SC.F) DEPARTMENT

G.O.Rt.No.639.

Dated:15-02-2014

Read the following:-

1. Interim orders of APAT in OA No.412/2011 dated 3-2-2011.
2. G.O. Rt. No.3692, General Administration (SC.F) Dept., dated: 17-08-2011.
3. Interim Orders of Hon'ble High Court of Andhra Pradesh in WP MP No.40296 of 2011 in WP No.32425 of 2011.
4. Interim Orders of Hon'ble High Court of Andhra Pradesh in WP MP No.40297 of 2011 in WP No.32426 of 2011.
5. Representation of Sri V. Saida, AS and others, dt.13-12-2011.
6. G.O. Rt. No.5847, General Administration (SC.F) Dept., dated: 29-12-2011.
7. Orders of Hon'ble High Court of Andhra Pradesh in WP No. 32425 of 2011, dated 13-03-2012.
8. Representation of Sri V. Saida, Dy. Secy. and others dated 20.11.2013.

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ORDER:-

The panel of Assistant Secretaries to Government for promotion to the category of Deputy Secretary to Government has been prepared based on the seniority list published in UO No.347/SC.F/2010-1 General Administration (SC.F) Department dated 11-11-2010. Keeping in view of the interim orders of APAT in the reference 1st cited and also as there is adequacy of representation in the category of Deputy Secretary to Government, it has been decided to effect promotion by not considering the cases of those SC / ST candidates who found place in the panel by virtue of the consequential seniority obtained in the lower categories and to set aside equal number of posts to take care of their promotions depending upon the orders of APAT.

2. Accordingly, vide reference second cited, orders were issued promoting the (16) Assistant Secretaries to Government as Deputy Secretary to Government (Non-Cadre) based on their general seniority by excluding seven Reserved Candidates.

3. Subsequently, the Tribunal in another OA No. 7157/2011 filed by Sri S.V.V. Prasad and others, vide orders dated 29.08.2011 have extended the orders rendered in OA 412/2011 to higher categories also. The vacate stay petitions filed by the Government as well as Sri V.Saida and others in the above 2 O.As were dismissed by the Hon'ble A.P. Administrative Tribunal. Aggrieved by these orders, Sri V.Saida filed WP No.32425/2011 and WP No.32426/2011 challenging the orders of APAT in OA NOs. 412 and 7157 of 2011 dated 3.2.2011, 29.8.2011 and orders in Vacate Applications on 29.11.2011 respectively. The Hon'ble High Court of Andhra Pradesh in its interim orders dated 12-12-2011 in the references 3rd and 4th read above ordered as follows:

"There shall be interim suspension. Notice".

(P.T.O)

4. Keeping in view above interim orders, vide orders in the reference Sixth read above, Sri V. Saida and (6) other Asst. Secys. to Govt. were temporarily promoted as Dy. Secretaries to Govt. under Rule 10(a) of A.P. State and Subordinate Service Rules, 1996, subject to outcome of WP NOs.32425/2011 and 32426/2011.

5. In the reference Seventh read above, the Hon'ble High Court of Andhra Pradesh passed final orders in WP Nos. 32425 & 32426/2011, dated 13.03.2012 filed by Sri V. Saida and others. The orders of APHC are as follows:

"we direct the Government to proceed with promotions in terms of seniority as determined in the cadre of Asst. Secretaries."

6. While deciding the case, the Hon'ble HC of Andhra Pradesh observed that *"the members of SCs and STs who were promoted against the reserved vacancies, therefore, take seniority in the category of Asst. Secy. from the date of their promotion as ordained by Rule 36(ii) of A.P. State & Subordinate Service Rules and are liable to be promoted to the next higher categories by virtue of this seniority"*.

7. Further, Smt. G. Krishna Veni, Deputy Secretary and others who are the respondents and losers in the WP Nos. 32425 & 32426/2011 filed SLP before the Hon'ble Supreme Court of India challenging the orders of High Court. The same is pending before the Apex Court.

8. Now, in the light of the final orders of High Court of Andhra Pradesh dated 13-03-2012, in the reference 8th cited, Sri V. Saida and others requested for assignment of notional date of promotion as Deputy Secretaries on par with their immediate juniors i.e., Sri M.V. Ravichandra Kumar who was promoted as Deputy Secretary on 17.08.2011 vide G.O. second read above.

9. Government, after careful examination of the requests of the individuals, and keeping in view of the orders of Hon'ble High Court of A.P., in W.P. No. 32425 & 32426 / 2011 and also the fact that the said individuals and their Juniors are included in the same panel, hereby assign the notional date of the promotion in the category of Deputy Secretary to Government to Sri V. Saida and 6 other Deputy Secretaries as follows:

Sl.No	Name of the Officer Sarvasri/Smt.	Earlier date of promotion as Deputy Secy. to Govt.	Revised notional date of promotion as Deputy Secy. to Govt.
(1)	(2)	(3)	(4)
1	V. Saida, DS, Ind. & Com. Dept.	29-12-2011	17-08-2011
2	G. Kannam Das, DS, Home Dept.	29-12-2011	17-08-2011
3	Durga Prasad Sahu, DS, TR & B Dept.	29-12-2011	17-08-2011
4	P. Suvarna Rani, DS, MW Dept.	29-12-2011	17-08-2011

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5	K. Veeraswamy, DS, (Retd.), Home Dept.	29-12-2011	17-08-2011
6	S. Koteswaramma, DS, I & CAD (W) Dept.	29-12-2011	17-08-2011
7	G. Jamuna, DS, Social Welfare Dept.	29-12-2011	17-08-2011

10. These orders are subject to outcome of Judgment in SLP(C) filed by Smt. G. Krishnaveni & others pending before Hon'ble Supreme Court of India.

11. The Departments concerned shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. P.K. MOHANTY
CHIEF SECRETARY TO GOVERNMENT

To
The Officers concerned.
The Departments concerned.
The Accountant General,
A.P. Hyderabad.
The Pay and Accounts Officers,
AP., Hyderabad.
The Deputy Pay & Accounts Officer,
A.P. Secretariat, Hyderabad.
Copy to:
The P.S. to Chief Secretary to Govt.,
The P.S. to Secretary (Poll), G.A.D.
The P.A. to Spl. Secretary (Protocol), G.A.D.
SF/SC.

// Forwarded : By Order //

SECTION OFFICER (SC)